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| 10/570,821 | 03/06/2006 | Klaus Becker-Weimann | 42660119PUS1 | 7091 |
| 2292 7590 08/25/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | |
| EXAMINER | | | | |
| WOOD, JONATHAN K | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/570,821

Applicant(s)

BECKER-WEIMANN, KLAUS

Examiner

JONATHAN WOOD

Art Unit

3754

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14, 16, 17, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 10-14, 16, 17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The disclosure is objected to because of the following informalities: section headings are not included. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-14, 16-17, and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites "an adhesive fluid dispensing tip" in lines 4-5 after previously reciting "an adhesive fluid dispensing tip" in lines 1-2. It is unclear if applicant is referring to a new adhesive fluid dispensing tip or the previously defined one. For purposes of examination, examiner assumes applicant intended to write "the adhesive fluid dispensing tip".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 13, 17, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,026,187 to *Belanger et al. (Belanger)*.

Belanger shows an adhesive fluid dispensing device with a dispensing tip (18) made of a readily heat-conductive material (col. 4, ll. 32-35) to which a flow from an adhesive fluid cartridge (6) made of metal (col. 2, line 12) passes, the cartridge having a manually actuatable plunger (26) and being assigned a cartridge heater (10 with 16) arranged around the cartridge to heat its contents from diametrically opposite sides (col. 2, ll. 16-22), wherein a ram (24) acts on an area of the plunger smaller than its full

surface (Figure 2; col. 2, ll. 37-40) and the ram is assigned a pistol-type handle (Figure 2).

Regarding claims 20 and 21, *Belanger* shows the cartridge heater insulating the fluid cartridge (inherent) and being supplied power by electric current (col. 2, ll. 19-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 10-11, 16-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,067,481 to *Feldman (Feldman)* in view of *Belanger*.

Feldman shows an adhesive fluid dispensing device with a dispensing tip (18) made of a readily heat-conductive material (col. 3, ll. 67-68) to which a flow from an adhesive fluid cartridge (10) passes, the cartridge having a manually actuatable plunger (12) and being assigned a cartridge heater (36) arranged around the cartridge to heat its contents from diametrically opposite sides (Figure 2), wherein a ram (56) acts on the

surface of the plunger and the ram is assigned a pistol-type and pliers-type handle (52, Figure 2).

Feldman fails to show the ram acting on a surface of the plunger smaller than its full surface. However, *Belanger* shows an adhesive fluid dispensing device with an adhesive fluid cartridge (6) the cartridge having a manually actuatable plunger (26) and being assigned a cartridge heater (10 with 16) arranged around the cartridge to heat its contents from diametrically opposite sides (col. 2, ll. 16-22), wherein a ram (24) acts on an area of the plunger smaller than its full surface (Figure 2; col. 2, ll. 37-40). It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Belanger*, to have made the ram of *Feldman* act on a surface area of the plunger smaller than its full surface area in order to allow space for an o-ring seal to be provided around the ram which would prevent seepage of material out of the cartridge and into the device (*Belanger*; col. 2, ll. 37-40).

Regarding claim 11, *Feldman* as modified by *Belanger* shows the dispensing tip being heated substantially just by the adhesive fluid flowing out (*Feldman*; col. 3, line 67 to col. 4, line 2).

Regarding claims 20 and 21, *Feldman* as modified by *Belanger* shows the cartridge heater insulating the fluid cartridge (inherent) and being supplied power by electric current (*Feldman*; col. 3, ll. 49-53).

9. Claims 10, 14, 16-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,065,034 to *Callan* (*Callan*) in view of *Belanger*.

Callan shows an adhesive fluid dispensing device with a dispensing tip (16) made of a readily heat-conductive material (inherent to be connected to 10) to which a flow from an adhesive fluid cartridge (7) passes, the cartridge having a manually actuatable plunger (9) and being assigned a cartridge heater (10) arranged around the cartridge to heat its contents from diametrically opposite sides (Figure 1), wherein a ram (19) acts on the surface of the plunger and the ram is assigned a pistol-type and pliers-type handle (20a and 23).

Callan fails to show the ram acting on a surface of the plunger smaller than its full surface. However, *Belanger* shows an adhesive fluid dispensing device with an adhesive fluid cartridge (6) the cartridge having a manually actuatable plunger (26) and being assigned a cartridge heater (10 with 16) arranged around the cartridge to heat its contents from diametrically opposite sides (col. 2, ll. 16-22), wherein a ram (24) acts on an area of the plunger smaller than its full surface (Figure 2; col. 2, ll. 37-40). It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Belanger*, to have made the ram of *Callan* act on a surface area of the plunger smaller than its full surface area in order to allow space for an o-ring seal to be provided around the ram which would prevent seepage of material out of the cartridge and into the device (*Belanger*; col. 2, ll. 37-40).

Regarding claim 14, *Callan* as modified by *Belanger* shows the dispensing tip screwed onto the dispensing device (*Callan*, Figure 1) and the dispensing device connected in a form-fitting manner to the fluid cartridge (*Callan*, Figure 1).

Regarding claims 20 and 21, *Callan* as modified by *Belanger* shows the cartridge heater insulating the fluid cartridge (inherent) and being supplied power by electric current (*Callan*; col. 2, ll. 45-46).

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Feldman* in view of *Belanger* as applied to claim 10 above, and further in view of US Patent No. 6,892,904 B2 to *Osborn et al.* (*Osborn*).

Feldman as modified by *Belanger* shows all aspects of applicant's invention as set forth in claim 1, but does not disclose the dispensing tip screwed onto a metal thread of the adhesive fluid cartridge. However, *Osborn* shows a gun-type dispensing apparatus which utilizes a metal material cartridge (210) and a dispensing tip (238) which is screwable onto a thread of the cartridge. It would have been obvious to one of ordinary skill in the art at the time of the invention, under the teachings of *Osborn*, to have utilized cartridges with a threadably engaged dispensing tip with the dispensing device of *Feldman* as modified by *Belanger* in order to allow the tip to be interchanged with others depending on the job to be performed with the device (*Osborn*; col. 5, ll. 54-56).

Response to Arguments

11. Applicant's arguments with respect to claims 10-14, 16-17, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN WOOD whose telephone number is

(571)270-7422. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754